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MAY 10 2006

OFFICE OF PETITIONS

In re Application of
Ashok V. Joshi et al.
Application No. 09/649,563
Filed: August 28, 2000
Attorney Docket Number: MIC-98125CP01
Title: CONTROLLED RELEASE OF
SUBSTANCES

DECISION ON PETITION
UNDER 37 C.F.R. §1.181

This is a decision on the petition filed March 10, 2006, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 13, 2004, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 14, 2004. A notice of abandonment was mailed on November 2, 2005.

With the present petition, Petitioner has asserted that a response to this communication was submitted on August 13, 2004, along with a one-month extension of time. Petitioner has submitted a copy of this submission, and it is noted that it contains a certificate of mailing dated August 13, 2004. Petitioner has further submitted a copy of a request for a one-month extension of time which contains an identically dated certificate of mailing, along with a postcard receipt which evinces that a response to the Office action and a one-month extension of time were received in the Office on August 17, 2004. It is further noted that Office records reflect the receipt of this one-month extension of time on August 17, 2004.

Petitioner has requested that the holding of abandonment in the above-identified application be withdrawn. It is clear that a response was timely submitted. Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that petitioner has met his burden of establishing that a submission was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision, and the copy of the August 13, 2004 amendment submitted with this present petition will be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Paul Shanowski".

Paul Shanowski
Senior Attorney
Office of Petitions
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